

REMARKS

The present amendment is submitted in response to the Office Action dated October 24, 2007, which set a three-month period for response, making this amendment due by January 24, 2008.

Claims 1-20 are pending in this application.

In the Office Action, claim 16 was objected to for an informality. Claims 1, 7, 10, 11, 15, and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2006/0000099 A1 to Tessel et al in view of U.S. Patent No. 6,453,568 to Hymer. Claims 2-6, 8, 9, 12-14, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tessel et al and Hymer and further in view of U.S. Patent No. 5,842,282 to Ting et al.

In the present amendment, the specification was amended to add a cross reference to the related priority document and to add standard headings.

Claim 16 was amended to address the objection by changing the claim dependency from "5" to "14". The term "a measuring shaft" is recited in both its first and second instance in claim 16, so that therefore, proper antecedent basis is provided within claim 16 itself.

The remaining claims were amended to adopt standard U.S. claim format.

Looking next at the substantive rejections, the Applicants respectfully submit that Tessel et al is not a proper reference in support of the stated rejection, since the priority date of the Tessel reference, August 10, 2005 falls AFTER the priority date of the present application (September 30, 2004, German

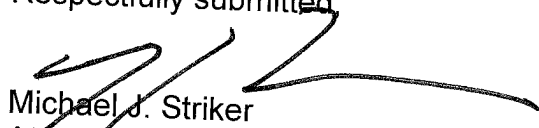
application DE 10 2004 047 603 A1). Since Tessel et al is not a relevant or valid prior art reference, it will not be discussed substantively in these remarks.

The remaining cited references to Hymer et al and Ting et al do not disclose a laser marking device. Therefore, the practitioner would not be motivated from the teachings of these references to arrive at the present invention as defined in claim 1, since neither references addresses or teaches the features of this claim.

Because the primary reference to Tessel cannot support the rejection of the claims under Section 103, withdrawal of the rejection and allowance of the claims are respectfully requested.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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